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7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF MONTANA**

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10 In Re

11 KIRK M. KETCHUM and
BECKY J. KETCHUM,

12 Debtors.

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) Case No.: 12-60007-13
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14 **DEBTORS' MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION;**
15 **AND NOTICE**

16 COME NOW the Debtors, by and through their attorney of record, Benjamin C. Tiller,
17 Esq., and hereby move this Court to modify their confirmed Chapter 13 Plan dated January 17,
18 2012, pursuant to 11 U.S.C. § 1329 and Mont. L.B.R. 3015-2, for the following reasons:

- 19 1. The Trustee moved to vacate the Order confirming the Debtors' confirmed
20 Chapter 13 Plan because the Plan provides for the payment of a secured claim that
21 was filed as an unsecured claim.
22 2. The attached, modified Plan removes the provision providing for payment of the
23 secured claim.

1 WHEREFORE, the undersigned moves this Court for an order modifying the Debtors'
2 confirmed Chapter 13 Plan dated January 17, 2012, as proposed in the attached Debtors' First
3 Modified Chapter Thirteen Plan Dated June 4, 2012.

4 RESPECTFULLY SUBMITTED this 6th day of June, 2012.

5 /s/ **Benjamin C. Tiller**

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7 Benjamin C. Tiller, Esq.

8 Attorney for the Debtor
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10 **NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

11 **If you object to the notice, you must file a written responsive pleading and request a**
12 **hearing within fourteen (14) days of the date of the notice. The objecting party shall**
13 **schedule the hearing on the objection to the modification at least twenty-one (21) days**
14 **after the date of the response and request for hearing and shall include in the caption of**
15 **the responsive pleading in bold and conspicuous print the date, time and location of the**
16 **hearing by inserting in the caption the following:**

17 **NOTICE OF HEARING**

18 **Date:** _____
19 **Time:** _____
20 **Location:** _____

21 **If no objections are timely filed, the Court may grant the Motion for Modification as a**
22 **failure to respond by any entity shall be deemed an admission that the relief requested**
23 **should be granted.**

Dated this 6th day of June 2012.

/s/ **Benjamin C. Tiller**

Benjamin C. Tiller, Esq.
Attorney for the Debtors

CERTIFICATE OF SERVICE

I, Benjamin C. Tiller, Esq., certify under penalty of perjury that on **DEBTORS' FIRST MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION; AND NOTICE** was sent via CM/ECF e-mail to all parties requesting special notice, or otherwise entitled to same, as demonstrated by the notice generated by CM/ECF, and in satisfaction of the notice requirements of LBF 9013-1(d) and 2002(1)(d). Benjamin C. Tiller further certifies that a copy of this motion and the **DEBTORS' FIRST MODIFIED CHAPTER 13 PLAN DATED JUNE 4, 2012**, was served on all parties listed on the mailing matrix included in the attached plan.

DATED this 6th day of June, 2012.

/s/ Benjamin C. Tiller

Benjamin C. Tiller, Esq.